(1) (3)

CF1001

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. NO. 1135 ***/ 2003***

PETITIONER : Dharmendra Sing Bais S/o M.S. Bais
Age-39 yrs., Superitendent of Post Metric
Adiwasi Balak Chhatrawas Raigarh
Distt. Raigarh (C.G.)

P. B. No. 10
Presented by Shri S.B.Bais
dated 30.4.03
amendment incorporated by order
court dated 6.10.04
Counsel for petitioner 8.10.04

Versus

RESPONDENT : (1) State of Chhattisgarh through ,
The Secretary , Tribel Welfare Deptt.,
D.K.S.Bhawan Raipur .
Distt.- Raipur (C.G.)

(2) Collector ,
Tribel Deptt., Distt. Raigarh (C.G.)

(3) Rajeev Ratan Choubey
S/o Lt.R.R.Choubey, Age - 50 yrs.
Head Master , Atteched Superitendent
P.M.Govt.Employees Boys Hostel
Distt. - Raigarh (C.G.)

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शपथ आयुक्त
शुक्ला
बिलासपुर (छ.ग.)

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA

(1) (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. NO. 1135/2003

PETITIONER : Dharmendra Sing Bais S/o M.S. Bais
Age-39 yrs., Superitendent of Post Metric
Government Employees Boys Hostel,
Raigarh.

Versus

RESPONDENT : (1) State of Chhattisgarh through ,
The Secretary , Tribel Welfare Deptt.,
D.K.S.Bhawan Raipur .
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(2) Collector ,
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S/o Lt.R.R.Choubey, Age - 50 yrs.
Head Master , Atteched Superitendent
P.M.Govt.Employees Boys Hostel
Distt. - Raigarh (C.G.)

Attested 3/3/10/04
R(J) 1050/03
P. R. No. 1050/03
Presented by Shri A.N. Bhakte
dated 23.10.03
amendment incorporated by order dated 6-10-04 in case
Court fee affixed 8-10-04

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छपथ आयुक्त
शुक्ला
3/11/03

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA

(108)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 1135/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Division Bench :

HON'BLE SHRI FAKHRUDDIN, Ag. C.J.
& HON'BLE SHRI SUNIL KUMAR SINHA, J.

25-01-2005.

Shri A.N. Bhakta, counsel for the petitioner.

Shri S.C. Verma, Panel Lawyer, for respondents No.1 and 2/State.

Shri Ashish Shrivastava, counsel for respondent No.3.

Heard finally with the consent.

This petition under Articles 226/227 of the Constitution of India has been preferred by the petitioner against the order dated 30-06-2001-Annexure-P/6, passed by the State Administrative Tribunal, Raipur in O.A. No.446/2001 whereby the learned Tribunal has stayed the order dated 22-06-2001, posting the present petitioner as Superintendent, Post Matric Govt. Employees Boys Hostel, Raigarh.

Perusal of the order dated 30-06-2001(Annexure-P/6) shows that respondent No.3 Rajeev Ratan Choubey had filed O.A. No.446/2001 before the State Administrative Tribunal on the ground that the present petitioner namely Dharmendra Singh Bais has been posted in place of respondent No.3 though respondent No.3 has not been transferred from his present post to any other place. It was also contended that after receiving the order dated 22-06-2001, the Collector, Raigarh wrote a letter to the competent authority that no post is vacant for the present petitioner. The Tribunal after hearing respondent No.3/applicant passed an exparte order on 30-06-2001staying the operation of the order dated 22-06-2001. Thereafter the present petitioner applied for intervention on the ground that he was not impleaded as a party and also filed an application for

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XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 1135/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

vacating the stay order dated 30-06-2001. Thereafter, the Tribunal after hearing both the parties, allowed the application for intervention and the present petitioner was permitted to join as intervener vide order dated 19-07-2001(Annexure-P/8). By the said order the learned tribunal has also continued the stay order granted earlier.

It is pointed out by both the parties that the State Administrative Tribunal has been abolished and the notification has also been filed as Annexure-R/2. The matter relates to vacation of stay order granted by the learned tribunal and the matter is lying in the State Administrative Tribunal.

The subject matter before the Tribunal was transfer order dated 22-06-2001. More than 3 ½ years have already been elapsed and the transfer order has lost its efficacy. Annexure-P/2 shows that respondent No.3 Shri Choubey is working since 1986.

Learned counsel for both the parties submit that the rival parties may be directed to file their representations by raising their grievances before the State Government and a direction may also be issued to the Competent Authority of the State Government to pass appropriate orders as early as possible, after hearing the rival contentions of both the parties.

Having considered the facts and circumstances of the case and material on record, in the opinion of this Court, the ends of justice would be served if a direction is given to the rival parties to make detailed representations before the Competent Authority of the State Government raising their grievances within a period of 15 days from today along with copy of this order and on such representation being made, the State Government shall decide the representations and pass appropriate orders,

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 1135/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

after hearing both the parties, as early as possible preferably within a period of two months from the date of receipt of the representations. It is made clear that the stay order passed by the State Administrative Tribunal shall not come in the way for consideration of the representations filed by the rival parties. It is also made clear that if any grievance still subsists, the parties may avail the remedy available under the law.

With the aforesaid observations, the petition stands disposed of.

Consequently, M.W.P. No.1212/2003 also stands disposed of.

Certified copy as per rules.

Sd/-
Ag. Chief Justice

Sd/-
Sunil Kumar Sinha
Judge